

John M. Baron

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REMARKS

Entry of the above-noted amendments, reconsideration of the Application, and allowance of all claims pending are respectfully requested. By this amendment, claims 1-4, 6-7, 10-13, 17 are amended, claims 5, 8-9, 15-16, and 18-20 are canceled, and claims 21-28 are added. These amendments to the claims constitute a bona fide attempt by Applicant to advance prosecution of the Application and obtain allowance of the pending claims, and are in no way meant to acquiesce to the substance of the rejections. Support for the amendments can be found throughout the specification (e.g., in the published version of the Application, namely, *Baron* US Pub. 20020093492, ¶ 43, 57, 59, 62), drawings, and claims (e.g., claims 6 and 17 and prior claims 5, 9, 16, and 18-20) and thus, no new matter has been added. Claims 1-4, 6-7, 10-14, 17, and 21-28 are pending.

Interview on June 25, 2007:

The amendments herein follow a telephone conference between the Examiner and Applicant's Attorney on June 25, 2007 in which the claims, the specification, and the art of the record, including Nishimura USP 6,778,217; Anderson USP 6,154,210; Hyodo USP 6,919,927, were discussed. Positive discussion and consideration occurred during the telephone conference in connection with the claims presented herewith, including independent claim 13 and prior claim 5, previously dependent from base claim 1 and whose limitations have been incorporated into independent claims 1 and 13 presented herewith. Even further limitations have since been incorporated in independent claims 1 and 13 presented herewith. The time and courtesy afforded Applicant's Attorney are gratefully acknowledged by Applicant.

Claim Rejections - 35 U.S.C. §§ 102 and 103:

Claims 1-4, 6, and 10-14 are rejected under 35 U.S.C. §102(e) as being anticipated by Nishimura USP 6,778,217. Claim 7 is rejected under 35 U.S.C. §103(a) as being unpatentable over Nishimura USP 6,778,217 in view of Anderson USP 6,154,210. Claim 5 and 17 are rejected under 35 U.S.C. §103(a) as being unpatentable over Nishimura USP 6,778,217 in view of Anderson USP 6,154,210 and further in view of Hyodo USP 6,919,927. Without acquiescing in the rejections, Applicant respectfully submits the rejections are moot in view of the claim amendments presented herewith.

It is well-settled that there is no anticipation unless (1) all the same elements are (2) found in exactly the same situation and (3) are united in the same way to (4) perform the identical

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function. Since the Examiner's citations to each of the applied references are missing at least one element of each of Applicant's independent claims, Applicant respectfully submits that the claimed invention is not anticipated by the Examiner's citations to the applied references.

While Applicant does not acquiesce in the modification or combination of the Examiner's citations to the applied references, Applicant respectfully submits that the Examiner's citations to the applied references even so modified or combined, do not teach or suggest one or more elements of the claimed invention. The missing elements are neither well-known in the art nor mere predictable uses or variations of the cited prior art.

Applicant respectfully submits that the Examiner's citations to the applied references do not teach or suggest one or more elements of the claimed invention. A careful reading of the Examiner's citations to the applied references fails to set forth a sustainable basis that the references teach or suggest, for example, a switch platform configured to provide control signals to said controller for selecting parameter values used in conjunction with said functional device, said switch platform mounted to detect a touching about a periphery and a central portion of said display and operational for providing a plurality of discrete output signals to said controller, each indicative of a portion of said periphery or said central portion at which said touching is detected; wherein said switch platform comprises: periphery pressure sensitive switches disposed on said display in proximity to respective edges of said display and configured so that touching at a corner operates a corresponding one of said switches and touching at a midpoint of one of said edges operates a corresponding pair of said switches; and a central pressure sensitive switch disposed on said display and positioned to detect touching at the central portion of said display, as recited in Applicant's independent claim 1. This point was discussed during the Interview.

For at least the reasons presented above with reference to claim 1, claims 1 and 13 are believed neither anticipated nor obvious over the art of record. The corresponding dependent claims are believed allowable for at least the same reasons as independent claims 1 and 13, as well as for their own additional characterizations.

Withdrawal of the §§ 102 and 103 rejections is therefore respectfully requested.

In addition, with respect to new independent claim 21, Applicant respectfully submits that the Examiner's citations to the applied references do not teach or suggest one or more elements of the claimed invention. A careful reading of the Examiner's citations to the applied references fails to set forth a sustainable basis that the references teach or suggest, for example, a first discrete electrical switch disposed on said display panel and operable to select a displayed value in response to a touching of a central portion of said display panel; and an array of discrete

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pressure sensitive electrical switches disposed on said display panel and positioned adjacent respective edges of said display panel; wherein a pressure applied adjacent a respective edge of said display panel causes an activation of a corresponding one of said switches; wherein said display panel includes left, right, top and bottom edges, wherein a pressure applied to said left and right edges of said display panel causes respective reverse and forward scrolling through said parameters and a pressure applied to said top and bottom edges of said display panel causes respective forward and reverse scrolling through values associated with a selected one of said parameters, as recited in Applicant's independent claim 21.

For at least the reasons presented above with reference to claim 21, claim 21 is believed neither anticipated nor obvious over the art of record. The corresponding dependent claims are believed allowable for at least the same reasons as independent claim 21, as well as for their own additional characterizations.

Therefore, in light of at least the foregoing, Applicant respectfully believes that the present application is in condition for allowance. As a result, Applicant respectfully requests timely issuance of a Notice of Allowance for claims 1-4, 6-7, 10-14, 17, and 21-28.

At any time during the pendency of this application, please charge any fees required or credit any over payment to Deposit Account 08-2025 pursuant to 37 C.F.R. 1.25. Additionally charge any fees to Deposit Account 08-2025 under 37 C.F.R. §§ 1.16 through 1.21 inclusive, and any other sections in Title 37 of the Code of Federal Regulations that may regulate fees.

Please consider this a general authorization to charge any fee that is due in this case, if not otherwise timely paid, to Deposit Account No. 08-2025.

Applicant hereby authorizes charging of Deposit Account No. 08-2025 for any additional fees associated with entering the aforementioned claims.

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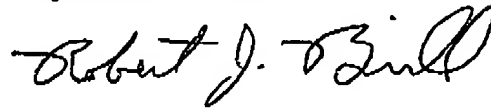
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Applicant appreciates the Examiner's consideration of these Amendments and Remarks and cordially invites the Examiner to call the undersigned, should the Examiner consider any matters unresolved.

Respectfully submitted,



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